

REMARKS

Claims 1 and 2 are being amended to delete the recitation "means of". This amendment is being made for clarity, to remove the term of art "means" from the process claims.

Rejections under 35 U.S.C. § 103

Claims 1, 3-9 and 16 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Liedtke et al., U.S. Patent No. 5,871,809 in view of Pfanstiehl, U.S. Patent No. 5,730,644. This rejection is respectfully traversed.

The present invention provides an unexpected benefit for application of coatings to substrates such as automobile parts, in that the presently claimed processes allow the blending and polishing of aqueous clear coats and/or aqueous topcoats based on hydroxy binders and polyisocyanate hardeners, to form a multilayer coating.

Liedtke discloses a process for the preparation of a multicoat refinish. The process includes applying a basecoat composition containing metallic and/or "effect" pigments to a pretreated old finish by spraying, then applying the basecoat again in a second spray pass. The basecoat is applied until a boundary is reached; fading out into the intact existing coating, as recited in step D of present claim 1, is not disclosed by Liedtke. Fading of an aqueous clear coat into the areas of the intact existing coating, as recited in step F of present claim 1, is also not disclosed by Liedtke. The process of Liedtke is clearly directed to the coating of a complete substrate, e.g., a complete part, such as a car roof. The two-step coating process is repeated on adjoining parts, e.g., doors, of the car, until all parts to be coated have been coated. In contrast, the present claims are directed to repairing a blemished area. Liedtke discloses that clear coats can be applied to the treated old finish or as topcoats over the basecoat, but does not disclose, teach, or suggest the steps recited in the present claims for repairing a blemished area.

As disclosed in the present specification, at page 3, lines 7-11, conventional methods for repairing vehicle coatings with aqueous clear coats and aqueous top coats required that complete parts or complete vehicles be treated. It is not necessary, according to the processes of the present invention, to treat an entire car or an entire car body part. The present invention provides a process by which a

blemished area of a multi-layer coating can be repaired , wherein the repaired area blends in with the remaining surface such that the repaired area is not visually different from the remaining area. The ability to repair a blemished area of a coating and not have to repair the entire coating surface is an unexpected advantage, since it is known that differences in color, effect or appearance between a repaired area of a coating and the surrounding coating might be visible when some conventional repair techniques are used. For example, when a conventional technique that includes re-coating the complete surface is used, such as that disclosed by Liedtke, a boundary forms between the new repair coating and the old coating, which hides differences and imperfections from visual detection. The present invention provides an alternative to re-coating an entire surface when only an area of the surface is blemished.

Pfanstiehl discloses a process and kit for the preparation of a surface to be repaired. The process includes “scuffing” of the surface so a touch-up paint will adhere at the edges of the repair. However, the disclosure of a need for surface preparation is not a disclosure of a particular method for such preparation. The process disclosed by Pfanstiehl includes sanding with a brush or other abrasive, scuffing the edges of the damaged area to promote adhesion; applying a coat of touch up paint in either a desired color or clear paint; applying a second coat to build up the paint to a greater thickness than the surrounding paint; and optionally sanding the repaired area again a few days later and applying additional paint. Although the method of Pfanstiehl “blends in” the repaired area with the surrounding area, Pfanstiehl does not disclose or suggest the presently claimed method, which blends in the repaired area in a novel way, by fading out into the areas of the intact existing coating with the aqueous clear coat material. Although Pfanstiehl does disclose the use of clear coats, there is no suggestion in Pfanstiehl of repairing a blemished area using only an aqueous one-layer pigmented topcoat, with or without an aqueous clear coat. Moreover, Pfanstiehl does not disclose the use of aqueous clear coats based on hydroxyl binders and polyisocyanates, or the application of two aqueous clear coats exhibiting the same spraying viscosity, as recited in the present claims. Furthermore, Pfanstiehl discloses a kit and method that includes application by brush, for use by an unskilled person, in contrast to the present claims, which recite application by spraying. As stated above, the method of Liedtke relies on

coating an entire surface so that the boundary between the repaired area and the surrounding area is undetectable to the eye. Thus, there is no motivation in Liedtke for a person of ordinary skill in the art to combine the disclosures thereof with those of Pfanstiehl, since Pfanstiehl is directed to a method and kit for preparing a surface and applying a touch-up coat. Accordingly, Applicant submits that claims 1, 3-9 and 16 are not obvious over Liedtke in view of Pfanstiehl.

Claims 2, 10-15 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liedtke in view of Pfanstiehl, further in view of Stengel et al., U.S. Patent No. 5,545,824.

Liedtke and Pfanstiehl are discussed hereinabove. Stengel discloses a coating composition that includes a curing composition, for the fast curing of coatings containing acrylic polyols. The curing composition is intended as part of a two package coating composition that includes an acrylic polyol coating and a curing composition, which is added to the acrylic polyol at the time curing of the coating composition is desired. Stengel also discloses a method for coating a substrate, which includes applying a pigmented base coating composition, followed by the two package coating composition. Stengel is not directed to repairs, and adds nothing to the disclosures of Liedtke and/or Pfanstiehl with regard to repairs. Applicant respectfully submits that the mere disclosure by Stengel that topcoats can optionally contain pigments does not amount to a disclosure or suggestion of any aspect of the presently claimed process for repairing blemishes in coatings. In fact, Stengel is lacking in any disclosure whatsoever related to repairs. Thus, Applicant respectfully submits that claims 2, 10-15 and 17 are patentable over Liedtke in view of Pfanstiehl and Stengel.

CONCLUSION

Applicant respectfully submits that all of claims 1-17 of the present Application are patentable over Liedtke, Pfanstiehl and Stengel. Accordingly, withdrawal of the rejections and allowance of all claims are earnestly requested.

Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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